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Filing date: **04/08/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91195184
Party	Defendant Tex-Ray Industrial Co., Ltd.
Correspondence Address	JOE M MUNCY MUNCY GEISSLER OLDS & LOWE PLLC PO BOX 1364 FAIRFAX, VA 22038-1364 UNITED STATES mailroom@mg-ip.com
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Joe McKinney Muncy
Filer's e-mail	mailroom@mg-ip.com
Signature	/Joe McKinney Muncy/
Date	04/08/2011
Attachments	2011-04-08 Consent Motion.pdf (3 pages)(76691 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Trademark Trial and Appeal Board

Family Time Sporting Apparel, LLC)	Opposition No. 91195184
Opposer,)	Application Serial No. 77/744,327
v.)	Filed: May 26, 2009
Applicant: Tex-Ray Industrial Co., Ltd.)	Mark: SMART INSIDE OUT
Applicant.)	

CONSENT MOTION TO AMEND APPLICATION

Applicant respectfully requests that the above application No. 77/744,327, filed May 26, 2009, for the mark SMART INSIDE OUT, be amended as follows:

Amend the description of goods from:

“Brassieres; vests; overcoats; ready-made clothing, namely, knit tops and bottoms, woven shirts and bottoms, coats, jackets, gloves, underwear and socks; shoes; scarves; turbans; hats; footwear; mittens” (Intl. Class 025)

To the following:

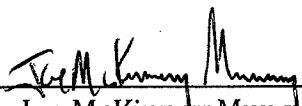
“Brassieres; vests; overcoats; ready-made clothing, namely, knit tops and bottoms, woven shirts and bottoms, coats, jackets, gloves, underwear and socks; shoes; scarves; turbans; hats; footwear; mittens; all of the foregoing excluding children’s athletic wear, and limited to clothing that incorporates “smart” technological material, components or systems for recharging electrical devices, providing light displays, playing digital music, taking digital photographs, or monitoring personal health statistics” (Intl. Class 025).

The proposed amendment is intended to clarify and limit the application, and not to broaden same. The proposed amendment does not alter the mark.

The proposed amendment also addresses those issues raised by the Honorable Board in its decision of January 31, 2011. That is, (1) the phrase "or other smart functions" is deleted; (2) goods related to "impact resistance body protection" are deleted; and (3) no further fees are due.

This motion has been consented to by attorney for the Opposer Mr. Dwayne K. Goetzel.

Respectfully submitted,

By: 
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Dated: April 8, 2011

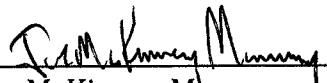
CERTIFICATE OF SERVICE

I hereby certify that on this 8 day of April, 2011 a copy of the foregoing
CONSENT MOTION TO AMEND APPLICATION was served by First Class Mail,
postage prepaid, upon attorney for opposer:

Dwayne K. Goetzel
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, Texas 78767-0398

CERTIFICATE OF TRANSMISSION

I hereby certify that the foregoing CONSENT MOTION TO AMEND
APPLICATION has been filed electronically with the Trademark Trial and Appeal
Board using the Electronic System for Trademark Trials and Appeals (ESTTA) on
April 8, 2011.



Joe McKinney Muncy